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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

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In re Patent Application of

STERCHI et al.

Serial No. 10/821,269

Filed: April 9, 2004

Atty Dkt. RYM-723-1502

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Confirmation No. 8633

TC/A.U.: 3714

Examiner: Omotosho, Emmanuel

Date: December 9, 2008

Title: BASEBALL VIDEOGAME HAVING PITCHING METER, HERO MODE AND USER CUSTOMIZATION FEATURES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

☐ **Correspondence Address Indication Form Attached.**

☐ **NOTICE OF APPEAL**
Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the Examiner twice/finally rejecting applicant's claim(s). $540.00 (1401)/$0.00 (2401) $

☒ An appeal **BRIEF** is attached in the pending appeal of the above-identified application $540.00 (1402)/$0.00 (2402) $ 540.00

☐ Credit for fees paid in prior appeal without decision on merits -$ ( )

☐ A reply brief is attached. **(no fee)**

☐ Pre-Appeal Brief Request for Review form attached.

☐ Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s)
One Month Extension $130.00 (1251)/$0.00 (2251)
Two Month Extensions $490.00 (1252)/$0.00 (2252)
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☒ **CREDIT CARD PAYMENT FORM ATTACHED.**

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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STERCHI et al. Atty. Ref.: 723-1502

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* * * * * * * * * * *

December 9, 2008

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF

Appellant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the Examiner.

TABLE OF CONTENTS

(I) REAL PARTY IN INTEREST

The real party in interest is Nintendo of America, a corporation of the country of the United States.

(II) RELATED APPEALS AND INTERFERENCES

The appellant, the undersigned, and the assignee are not aware of any related appeals, interferences, or judicial proceedings (past or present), which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

(III) STATUS OF CLAIMS

Claims 1-24 and 104-111 are pending. Claims 1-24 and 104-111 have been rejected. The rejections of claims 1-24 and 104-111 are being appealed. Claims 25-103 have been canceled. No claims have been substantively allowed.

(IV) STATUS OF AMENDMENTS

A Response was filed on October 8, 2008 (i.e., filed after the date of the Final Rejection). The Response did not include any claim amendments. Accordingly, no claim amendment has been filed since the date of the Final Rejection. The status of the appealed claims are as presented in the Amendment filed April 17, 2008.

(V) SUMMARY OF CLAIMED SUBJECT MATTER

A listing of each independent claim, each dependent claim argued separately and each claim having means plus function language is provided below including exemplary, but not limiting, reference(s) to reference numerals, figures and page and line number(s) of the specification.

1. In a baseball videogame (Figs. 4-8; pgs. 15-19), wherein animated action is performed by a pitcher character in response to input by a user provided through a user-operable controller (20, GBA; Figs. 1-3), a method of controlling game play comprising:

beginning the pitcher character's wind-up; (step 310 in Fig. 4; pg. 16, ll. 10-15)

after the pitcher character's wind-up has begun (Fig. 6; pg. 16, ll. 16-17), monitoring for user input on the user-operable controller indicating that a pitch is to be released by the pitcher character; (step 312 in Fig. 4; pg. 16, ll. 18-25)

detecting when user input is requested on the user-operable controller requesting release of the baseball pitch by the pitcher character; (pg. 16, l. 18 – pg. 17, l. 28)

comparing a time at which the user input is detected to an optimal pitch release timing; (step 314 in Fig. 4; Fig. 7; pg. 17, l. 25 – pg. 18, l. 3)

releasing the pitch corresponding to the time at which the user input is detected since the pitcher character's wind-up has begun; and (step 316 in Fig. 4; Fig. 7; pg. 17, l. 25 – pg. 18, l. 3)

controlling a timing of a break on the baseball pitch based on the comparison. (step 318 in Fig. 4; Fig. 8; pgs. 18-19)

9. A method of controlling game play in a baseball videogame (Figs. 4-8; pgs. 15-19), wherein a user interactively controls a pitcher character in response to input by a user provided through a user-operable controller (20, GBA; Figs. 1-3), the method comprising:

beginning the pitcher character's wind-up; (step 310 in Fig. 4; pg. 16, ll. 10-15)

after the pitcher character's wind-up has begun (Fig. 6; pg. 16, ll. 16-17), monitoring for user input on the user-operable controller requesting release of a baseball pitch by the pitcher character; (step 312 in Fig. 4; pg. 16, ll. 18-25)

detecting when user input is requested on the user-operable controller requesting release of the baseball pitch by the pitcher character; (pg. 16, l. 18 – pg. 17, l. 28)

comparing a time at which the user input is detected to an optimal pitch release timing; (step 314 in Fig. 4; Fig. 7; pg. 17, l. 25 – pg. 18, l. 3)

releasing the pitch corresponding to the time at which the user input is detected since the pitcher character's wind-up has begun; and (step 316 in Fig. 4; Fig. 7; pg. 17, l. 25 – pg. 18, l. 3)

controlling when a break on the baseball pitch occurs during its flight based on the comparison. (step 318 in Fig. 4; Fig. 8; pgs. 18-19)

17. In a baseball videogame (Figs. 4-8; pgs. 15-19), wherein animated action is performed by a pitcher baseball game character in response to input by a user provided through a user-operable controller (20, GBA; Figs. 1-3), a method of controlling game play comprising:

generating a display of the pitcher character's wind-up; (step 310 in Fig. 4; pg. 16, ll. 10-15)

concurrent with the display of the pitcher character's wind-up (Fig. 6; pg. 16, ll. 16-17), displaying and activating a pitch release meter (350 in Figs. 6-7) so that the pitch release meter approaches a target (352 in Figs. 6-7) as the pitcher character's windup progresses; (pg. 16, l. 17 – pg. 18, l. 3)

as the pitcher character's windup progresses (Fig. 6; pg. 16, ll. 16-17), monitoring for user input on the user-operable controller requesting release of a baseball pitch by the pitcher character; (step 312 in Fig. 4; pg. 16, ll. 18-25)

detecting the position of the release meter when user input is requested on the user-operable controller requesting release of the baseball pitch by the pitcher character; (pg. 16, l. 18 – pg. 17, l. 28)

comparing the detected position of the release meter to the target; (step 314 in Fig. 4; Fig. 7; pg. 17, l. 25 – pg. 18, l. 3)

generating a display of the pitcher character's release of the pitch, the display of the release corresponding to the time the user input is detected as the pitcher character's windup progresses; and (step 316 in Fig. 4; Fig. 7; pg. 17, l. 25 – pg. 18, l. 3)

controlling when a break on the baseball pitch occurs during its flight based on the comparison. (step 318 in Fig. 4; Fig. 8; pgs. 18-19)

104. In a baseball videogame (Figs. 4-8; pgs. 15-19), wherein animated action is performed by a pitcher character in response to input by a user provided through a user-operable controller (20, GBA; Figs. 1-3), a method of controlling game play comprising:

generating a display (Figs. 5-6) of the pitcher character's wind-up;

after the display of the pitcher character's wind-up has begun (Fig. 6; pg. 16, ll. 16-17), monitoring for user input on the user-operable controller indicating

that a pitch is to be released by the pitcher character; (step 312 in Fig. 4; pg. 16, ll. 18-25)

detecting when user input is requested on the user-operable controller requesting release of the baseball pitch by the pitcher character; (pg. 16, l. 18 – pg. 17, l. 28)

comparing a time at which the user input is detected to an optimal pitch release timing; (step 314 in Fig. 4; Fig. 7; pg. 17, l. 25 – pg. 18, l. 3)

displaying release of the pitch at the time the user input is detected (Fig. 7), the ball being released at a release point based at least on how long until the user input is detected since the pitcher character's wind-up has begun; and (step 316 in Fig. 4; Fig. 7; pg. 17, l. 25 – pg. 18, l. 3)

controlling a timing of a break on the baseball pitch based on the comparison. (step 318 in Fig. 4; Fig. 8; pgs. 18-19)

(VI) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-24 and 104-111 are "obvious" under 35 U.S.C. §103 over Lipson (U.S. Pat. 5,435,554).

(VII) ARGUMENT

Claims 1-24 and 104-111 are not obvious under 35 U.S.C. §103(a) over Lipson (U.S. Pat. 5,435,554).

Lipson fails to teach or suggest all of the claim limitations. For example Lipson fails to teach or suggest "*after the pitcher character's wind-up has begun, monitoring for user input on the user-operable controller indicating that a pitch is to be released by the pitcher character*;...comparing a time at which the user input is detected to an optimal pitch release timing; releasing the pitch corresponding to the time at which the user input is detected *since the pitcher character's wind-up has begun*; and controlling a timing of a break on the baseball pitch based on the comparison (emphasis added)," as required by independent claim 1. Similar (but not necessarily identical) comments apply to independent claims 9 and 104. Lipson also fails to teach or suggest "*concurrent with the display of the pitcher character's wind-up, displaying and activating a pitch release meter* so that the pitch release meter approaches a target as the pitcher character's windup progresses; *as the pitcher character's windup progresses, monitoring for user input on the user-operable controller requesting release of a baseball pitch* by the pitcher character (emphasis added)" and "comparing the detected position of the release meter to the target...and controlling when a break on the baseball pitch occurs during its flight based on the comparison," as required by independent claim 17.

Lipson discloses displaying a first gauge 66 in Fig. 3a. After a player depresses a button while the first gauge 66 is being displayed, a second gauge 82 is then displayed as illustrated in Fig. 3b. The first gauge 66 is a pitch type and quality selector gauge. The second gauge 82 is a power gauge. Neither the *pitch type and quality selector* gauge 66 nor the *power* gauge 82 discloses a *release* meter as explicitly required by claim 17. Neither the pitch type and quality selector gauge 66 nor the power gauge 82 enables comparison to an *optimal release timing* as required by claims 1, 9 and 104. Accordingly, the Final Rejection's (page 3) allegation that "Lipson's invention is also directed to using a gauge to determine when a pitch break occurs in the trajectory of the ball" is unfounded. While Lipson does discloses gauges 66 and 82, these gauges 66 and 82 are directed to different parameters (pitch type, power, etc.) than the parameter (release timing) claimed.

In more detail, while Lipson's power gauge 82 includes a maximum power marker 84, this *maximum* power is not necessarily an *optimal* power, and certainly does not denote an *optimal release timing* or *a target of a release meter*. (See col. 7, lines 50-53 of Lipson stating "It *may or may not* be desirable to throw a pitch with the maximum power (emphasis added)..."). As further examples, the marker 78 of the gauge 66 involves a "perfect grip" (e.g., the pitcher's grip pressure on the ball and the way the pitcher holds the ball relative to the baseball's stitching in real

world baseball) and the marker 76 of the gauge 66 involves a pick-off of a leading base runner on first, second or third base, rather than an optimal release timing of a pitch or a target on a release meter.

The following passage from pages 16-17 of the present specification describes an exemplary release meter 350 having a target line 352 corresponding to an optimal release time. This release meter 350 is displayed concurrently with the pitcher character's wind-up (i.e., after the pitch character has begun wind-up) as illustrated, for example, by Fig. 6 of the application.

> A release meter 350 begins to run down at the same time that the pitcher's wind up begins.
>
> FIGURE 6 illustrates game play soon after the pitcher's wind up has begun. Since some time (albeit a small amount) has passed since the wind up began, release meter 350 has diminished from its original position (compare release meter 350 shown in Figs. 5 and 6). Release meter 350 thus continues to move toward release target line 352 which corresponds to the optimal release time of the pitch from the pitcher. During the wind up of the pitcher, the player continues to hold down the button pressed to initiate the pitcher's wind up. During the wind up, the videogame monitors for controller input (release of the pressed button) to release the pitch (step 312).
>
> A goal of the player controlling the pitcher is to release the button at the exact point in time that release meter 350 crosses release target line 352. By releasing the button at exactly the point in time that release meter 350 crosses release target line 352, the player will successfully direct the pitcher to release the ball at the optimal release time. If, however, the player releases the button before or after the exact point in time that release meter 350 crosses release

> target line 352, the pitcher will release the ball at a non-optimal release time, thereby adversely affecting the pitch.

Neither gauge 66 nor gauge 82 of Lipson is a release meter. Neither marker 76, 78 or 80 of gauge 66 nor marker 84 of gauge 82 in Lipson represents an optimal release time. Neither indicator in gauge 66 or gauge 82 approaches its respective marker after the pitcher character's wind-up has begun or concurrently with the display of the pitcher character's wind-up.

Page 2 of the Final Rejection alleges that elements 128 and 130 of Fig. 4b discloses comparing a timing at which user input is detected to an optimal pitch release timing. Appellant disagrees with this allegation. As described in col. 9 of Lipson, while elements 128 and 130 involve setting a pitch quality as a function of a position of indicator 74 relative to markers 76, 78, and 80 in gauge 66, none of these markers denotes an optimal release timing and gauge 66 is not a release meter.

With respect to the statements in the preceding paragraph (presented in Appellant's October 8, 2008 "After-Final" Response), the continuation page of the Advisory Action argues "Elements 128 and 130 of fig 4b specifically states that after a player inputs a command, the system determines the zone in which the indicator is present and then determines indicator position relative to an OPTIMAL zone location." Elements 128 and 130 of Fig. 4b describe comparison

of indicator 74 to an optimal zone location designated by markers 76, 78 and 80 in gauge 66. However, gauge 66 is a pitch type and quality selector gauge, not a release meter. None of markers 76, 78 and 80 represents an optimal release timing. Gauge 66, whose operation is depicted in Lipson's flowchart elements 128 and 130, does not run down toward a target after the pitcher character's wind-up has begun. In fact, gauge 66 could not possibly form a release meter as the pitcher character's wind-up has begun in view of the subsequent pre-pitch inputs required by Lipson such as power (Fig. 4c) and directional control (col. 10, lines 42-57).

Since Lipson fails to teach or suggest comparison to an optimal release timing (claim 1, 9 and 104) or comparison to a target of a release meter (claim 17), Lipson further fails to teach or suggest controlling a break on a baseball pitch based on the comparison. Lipson's mere general recognition that a pitcher's throw may be controlled based on a quality of pitch and power of the pitch does not mean that one of ordinary skill in the art would have specifically taught or suggested making a comparison to an optimal release timing or release meter target, let alone controlling a break on a baseball pitch based on the comparison. There is simply no evidence or suggestion in Lipson of such features. The only suggestion of claims 1, 9, 17 and 104 is from using Appellant's invention as a template through a hindsight reconstruction of Appellant's claims.

With respect to the statements in the preceding paragraph (presented in Appellant's October 8, 2008 "After-Final" Response), the continuation page of the Advisory Action argues the following:

> After the pitch type has been selected by the user, Lipson shows that the system proceeds to a state where the pitch quality is set as a function of the indicator position relative to the optimal zone location designated by markers 76, 78 and 80. Game flow then moves into state 132 where the specific button that was depressed in state 116 is recorded. This determines what style of pitch will be thrown (i.e., curve ball, fastball, special pitch). Hence, after game flow has exited state 132, the player has already greatly affected the upcoming pitch by controlling the pitch type, pitch quality and pitch style. However, at this point the player controls another facet of the pitch, i.e., power as can be seen by reference to Fig. 4c. The system also calculates the sensitivity or the amount of pitch control associated with the pitch. The sensitivity is also calculated as a function of pitch quality and pitch velocity whereby pitch control will be greater for a higher quality pitch and less if the maximum power is applied to a pitch. To determine a path that the pitched ball will take to the plate, flow proceeds to state 162 where the horizontal displacement (maximum curve) and the vertical displacement (maximum break) are determined based on the user selections for pitch style, pitch quality and pitch power.

The above portion of the Advisory Action acknowledges that Lipson's gauges 66 and 82 (operation described in Figs. 4b and 4c) enable user selection of pitch style, pitch quality and pitch power. However, Lipson fails to teach or suggest user selection of a pitch release timing, let alone user selection of a pitch release timing after the pitcher character's wind-up has begun. The user-selected

parameters (pitch style, pitch quality and pitch power) in Lipson are different than the claimed parameter (release timing), and occur at a different time (pre-pitch) than the claimed time (after the pitcher character's wind-up has begun).

Page 3 of the Final Rejection alleges "Lipson's gauges measure theses attributes (i.e. power and pitch style). To now have these gauges correspond to the wind up session of a pitcher would have been obvious to one of ordinary skill in the art." This allegation is specious at best. The above allegation that Lipson's gauges measure power and pitch style highlights the fact that each of Lipson's gauges is not a release meter or does not enable comparison to an optimal release timing.

Moreover, Lipson actually teaches <u>away</u> from "hav[ing] these gauges correspond to the wind up session of a pitcher" as alleged by the Final Rejection. In particular, Lipson explicitly discloses displaying gauges 66 and 82 serially (i.e., displayed one after the other) with a respective indicator 74, 86 that repeatedly resets and rotates until a player presses a button (see, e.g., col. 6, lines 59-65). If the pitcher had already begun the windup before Lipson's gauges 66 and 82 were serially displayed as alleged in the Final Rejection, either the windup would have to pause or the user would have to depress a controller button too quickly in response to the displayed gauge, thereby defeating the purpose of the repeated reset and rotation of the indicators 74, 86 respectively on the gauges 66, 82 and

making it virtually impossible for the player to make selections in all the gauges (and the system to perform the associated processing) during the relatively brief duration of a pitcher's wind-up. The number of required inputs in response to gauges 66, 82, as well as the other required inputs for a pitch, such as (i) the initial selection of the type of pitch (curve ball, fast ball or special pitch) through button 34, 35 or 36 as shown in step 112 *before* display of the gauges 66, 82 and (ii) the directional control of the pitch through joystick 16 as shown in step 146 after the display of the gauges 66, 82, would make it virtually impossible for all of these required inputs to be received and processed during the wind-up session of the pitch as alleged by the Final Rejection. It is simply improper to ignore these explicit disclosures of Lipson which teach away from claims "hav[ing] these gauges correspond to the wind up session of a pitcher" as alleged by the Final Rejection. That is, one of ordinary skill in the art having common sense would have recognized that receiving and processing all of the inputs and displaying all of the gauges required for a pitch in Lipson's system would not have been possible during the relatively short period of time that occurs during a pitcher's wind-up.

Instead of "hav[ing] these gauges correspond to the wind up session of a pitcher" as alleged by the Final Rejection, Lipson explicitly discloses serial display of the gauges 66, 82 receiving all user inputs for the pitch only <u>prior</u> to the pitch. (*See, e.g.*, col. 7, line 68 *et seq.* stating "A third depress will register the

power of the pitch as a function of the indicator 86 position [in the power gauge 82]. After the third time that a button is depressed, the pitch animation sequence **begins** and the game proceeds," and col. 10, lines 42-43 stating "Once the power of the pitch has been set, a final **pre**-pitch input is made in state 146 (emphasis added).")

With respect to the statements in the preceding two paragraphs (presented in Appellant's October 8, 2008 "After-Final" Response), the continuation page of the Advisory Action argues the following:

> When a pitcher winds up to deliver a pitch, the pitcher is using some level of power and pitch style. To have the gauges correlate to the wind up session of the pitcher would not teach away from Lipson's BASEBALL SIMULATION system. Applicant should respectfully note that the current invention merely correlates the pitchers windup to the gauges. There is no actual stipulation whatsoever of a physical relation that will require the player to pause or depress a button in order to catch up with the simulation.
>
> * * * * *
>
> This is actually more of a reason why the obviousness rejection is supported. In a general sense, Lipson's gauges are used to measure the style/characteristics of a pitch and the trajectory the pitch will follow after the ball is released (i.e., the windup characteristics which determines the pitch style, break time and power of the pitch.

As noted in the above-cited portion, Lipson does disclose a baseball simulation system. However, this general teaching of baseball simulation does not teach or suggest the specific limitations required by the claims. For example,

Lipson's user selections of power and pitch style differ from the specific user selection of pitch release timing as claimed, and Lipson's power gauge 82 and gauge 66 for selecting pitch style differ from a pitch release meter. Moreover, the serially-made user selections via gauges 82 and 66 are explicitly described by Lipson as being *pre*-pitch (see, e.g., "Once the power of the pitch has been set, a final *pre*-pitch input is made in state 146...Upon leaving state 146, the player has inputted a total of five various pitch factors, each of which will affect the *upcoming* pitch in a separate manner. These five factors are the throw type, pitch type, pitch quality, pitch power, and pitch target location (emphasis added)" in col. 10, lines 42-62 of Lipson). In addition to being explicitly described as "pre-pitch", the serially-displayed nature (one after the other) of gauges 66 and 82 and the pre-pitch input of directional control (see col. 10, line 42-43) that must be subsequently input, received and processed after user input using serially-displayed gauges 66 and 82 lead to the clear conclusion that gauges 66 and 82 cannot possibly be displayed and utilized after the pitcher character's wind-up has begun.

Additionally, claims 1 and 9 require releasing the ball at a time corresponding to when user input is detected since the pitcher character's wind up has begun. Similarly, claim 17 requires " generating a display of the pitcher character's release of the pitch, the display of the release corresponding to the time

the user input is detected as the pitcher character's windup progresses" and claim 104 requires "displaying release of the pitch at the time the user input is detected, the ball being released at a release point based at least on how long until the user input is detected since the pitcher character's wind-up has begun." In contrast, Lipson fails to teach or suggest, for example, that a ball is displayed as being released at different points in a pitcher's windup. Further, there is no teaching or suggestion in Lipson that a release point corresponds to a detected input, such that the release occurs at a point when the input is detected. As discussed above, all of Lipson's pitching inputs are made <u>before</u> the pitch.

With respect to the statements in the preceding paragraph (presented in Appellant's October 8, 2008 "After-Final" Response), the continuation page of the Advisory Action argues "However, releasing the ball at different points is not claimed nor it is disclose any where in the specification. The examiner is only aware of the current disclosure of releasing the ball once as suppose to releasing the ball multiple times." What is explicitly claimed and described in the specification is a pitch release point corresponding to a detected user input, such that the release occurs at a point when the input is detected. Lipson does not teach or suggest these claimed features. Lipson's detected inputs of pitch style, power, etc. are different than a pitch release timing as claimed, and Lipson's detected

inputs occur at a different time, namely not after wind-up of the pitcher character has begun.

Dependent claims 2-8, 10-16, 18-24 and 105-111 are deemed to be allowable based at least for the same reasons as their respective base independent claim. Appellant therefore requests that the rejection of claims 1-24 and 104-111 under 35 U.S.C. §103 over Lipson be reversed.

CONCLUSION

In conclusion it is believed that the application is in condition for allowance; therefore, early reversal of the Final Rejection and passage of the subject application to issue are earnestly solicited.

Respectfully submitted,

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(VIII) CLAIMS APPENDIX

1. In a baseball videogame, wherein animated action is performed by a pitcher character in response to input by a user provided through a user-operable controller, a method of controlling game play comprising:

beginning the pitcher character's wind-up;

after the pitcher character's wind-up has begun, monitoring for user input on the user-operable controller indicating that a pitch is to be released by the pitcher character;

detecting when user input is requested on the user-operable controller requesting release of the baseball pitch by the pitcher character;

comparing a time at which the user input is detected to an optimal pitch release timing;

releasing the pitch corresponding to the time at which the user input is detected since the pitcher character's wind-up has begun; and

controlling a timing of a break on the baseball pitch based on the comparison.

2. The method of claim 1 wherein the timing of the break on the baseball pitch occurs relatively early in its flight when the time at which the user input is detected occurs earlier than the optimal pitch release timing.

3. The method of claim 1 wherein the timing of the break on the baseball pitch occurs relatively late in its flight when the time at which the user input is detected occurs at or during the optimal pitch release timing.

4. The method of claim 1 wherein the timing of the break on the baseball pitch will result in the pitch being outside of a batter character's strike zone when the time at which the user input is detected occurs after the optimal pitch release timing.

5. The method of claim 1 wherein the optimal pitch release timing is a period of time.

6. The method of claim 5 wherein the amount of time in the period of time forming the optimal pitch timing is variable.

7. The method of claim 6 wherein the amount of time in the period of time is varied based on performance statistics of the pitcher character.

8. The method of claim 6 wherein the amount of time in the period of time is varied based on a type of pitch selected by input on the user-operable controller that controls the action performed by the pitcher character.

9. A method of controlling game play in a baseball videogame, wherein a user interactively controls a pitcher character in response to input by a user provided through a user-operable controller, the method comprising:

beginning the pitcher character's wind-up;

after the pitcher character's wind-up has begun, monitoring for user input on the user-operable controller requesting release of a baseball pitch by the pitcher character;

detecting when user input is requested on the user-operable controller requesting release of the baseball pitch by the pitcher character;

comparing a time at which the user input is detected to an optimal pitch release timing;

releasing the pitch corresponding to the time at which the user input is detected since the pitcher character's wind-up has begun; and

controlling when a break on the baseball pitch occurs during its flight based on the comparison.

10. The method of claim 9 wherein the break on the baseball pitch occurs relatively early in its flight when the time at which the user input is detected occurs earlier than the optimal pitch release timing.

11. The method of claim 9 wherein the break on the baseball pitch occurs relatively late in its flight when the time at which the user input is detected occurs at or during the optimal pitch release timing.

12. The method of claim 9 wherein the break on the baseball pitch will result in the pitch being outside of a batter character's strike zone if the time at which the user input is detected occurs after the optimal pitch release timing.

13. The method of claim 9 wherein the optimal pitch release timing is a period of time.

14. The method of claim 13 wherein an amount of time in the period of time forming the optimal pitch timing is variable.

15. The method of claim 14 wherein the amount of time in the period of time is varied based on performance statistics of the pitcher character.

16. The method of claim 14 wherein the amount of time in the period of time is varied based on a type of pitch selected by input on the user-operable controller that controls the action performed by the pitcher character.

17. In a baseball videogame, wherein animated action is performed by a pitcher baseball game character in response to input by a user provided through a user-operable controller, a method of controlling game play comprising:

generating a display of the pitcher character's wind-up;

concurrent with the display of the pitcher character's wind-up, displaying and activating a pitch release meter so that the pitch release meter approaches a target as the pitcher character's windup progresses;

as the pitcher character's windup progresses, monitoring for user input on the user-operable controller requesting release of a baseball pitch by the pitcher character;

detecting the position of the release meter when user input is requested on the user-operable controller requesting release of the baseball pitch by the pitcher character;

comparing the detected position of the release meter to the target;

generating a display of the pitcher character's release of the pitch, the display of the release corresponding to the time the user input is detected as the pitcher character's windup progresses; and

controlling when a break on the baseball pitch occurs during its flight based on the comparison.

18. The method of claim 17 wherein the break on the baseball pitch occurs relatively early in its flight if the detected position of the release meter has not yet reached the target.

19. The method of claim 17 wherein the break on the baseball pitch occurs relatively late in its flight if the detected position of the release meter is at or within the target.

20. The method of claim 17 wherein the break on the baseball pitch will result in the pitch being outside of a batter character's strike zone when the detected position of the release meter has passed the target.

21. The method of claim 17 wherein the target comprises a target zone.

22. The method of claim 21 wherein a range of the target zone is variable.

23. The method of claim 22 wherein the range of the target zone is varied based on performance statistics of the pitcher character.

24. The method of claim 23 wherein the range of the target zone is varied based on a type of pitch selected by input on the user-operable controller that controls the action performed by the pitcher character.

25.-103. (canceled)

104. In a baseball videogame, wherein animated action is performed by a pitcher character in response to input by a user provided through a user-operable controller, a method of controlling game play comprising:

generating a display of the pitcher character's wind-up;

after the display of the pitcher character's wind-up has begun, monitoring for user input on the user-operable controller indicating that a pitch is to be released by the pitcher character;

detecting when user input is requested on the user-operable controller requesting release of the baseball pitch by the pitcher character;

comparing a time at which the user input is detected to an optimal pitch release timing;

displaying release of the pitch at the time the user input is detected, the ball being released at a release point based at least on how long until the user input is detected since the pitcher character's wind-up has begun; and

controlling a timing of a break on the baseball pitch based on the comparison.

105. The method of claim 104 wherein the timing of the break on the baseball pitch occurs relatively early in its flight when the time at which the user input is detected occurs earlier than the optimal pitch release timing.

106. The method of claim 104 wherein the timing of the break on the baseball pitch occurs relatively late in its flight when the time at which the user input is detected occurs at or during the optimal pitch release timing.

107. The method of claim 104 wherein the timing of the break on the baseball pitch will result in the pitch being outside of a batter character's strike

zone when the time at which the user input is detected occurs after the optimal pitch release timing.

108. The method of claim 104 wherein the optimal pitch release timing is a period of time.

109. The method of claim 108 wherein the amount of time in the period of time forming the optimal pitch timing is variable.

110. The method of claim 109 wherein the amount of time in the period of time is varied based on performance statistics of the pitcher character.

111. The method of claim 109 wherein the amount of time in the period of time is varied based on a type of pitch selected by input on the user-operable controller that controls the action performed by the pitcher character.

(IX) EVIDENCE APPENDIX

None

(X) RELATED PROCEEDINGS APPENDIX

None